



GM 1642
3-10-01

Patent Docket P0435P1C7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Jeffrey L. Cleland et al. Serial No.: 09/273,230 Filed: March 18, 1999 For: PROTEIN FORMULATION	Group Art Unit: 1642 Examiner: Geetha Bansal CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on February 28, 2001 Wendy M. Lee
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AMENDMENT UNDER 37 C.F.R. §1.111

Assistant Commissioner of Patents
Washington, D.C. 20231
Sir:

Responsive to the Office Action mailed October 31, 2000, reconsideration of the present application is respectfully requested in view of the following. A request for a one month extension and the requisite fee accompany this amendment.

REMARKS

Section 112, first paragraph

Claims 42-29 are rejected under 35 USC Section 112, first paragraph as allegedly containing subject matter which was not described in the specification in such as way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner contends that there is no teaching disclosed in the specification of treating or inhibiting the growth of tumor cells or how to set about treating a mammal with a cancer characterized by overexpression of HER2. The Examiner further contends that the specification does not provide a teaching as to what properties of an anti-HER2 Mab would have therapeutic efficacy. Finally, the Examiner takes the position that demonstrating tumor antigen

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